IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WA.No. 1043 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.32222/2006 Dated 09/03/2007

.....

APPELLANT/PETITIONER :

DR. ABDUL RASHEED,
AGED 50 YEARS,
S/O ALIYAR KUNJU,
"CITADEL" GOLF LINKS ROAD,
KAWADIR, TRIVANDRUM.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS/RESPONDENTS:
----

1. **THE SECRETARY, NEDUMANGAD MUNICIPALITY, NEDUMANGAD, TRIVANDRUM DISTRICT.**

2. **THE SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT. K. MEERA FOR R2
R1 BY ADV. P. RAMAKRISHNAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN, AG.C.J. & M.N. KRISHNAN,J.
= = = = = == = = = = = = = = = = = = = =
W.A. NO. 1043 OF 2007
= =
Dated this the 12th day of April, 2007.

J U D G M E N T

Radhakrishnan, Ag.C.J.

The appellant/petitioner is aggrieved by the judgment of the learned Single Judge in W.P.C. 3222 of 2006 that a report shall be submitted by the Municipality after conducting further inspection of the petitioner's building and the report shall contain details as to what all steps are to be taken by the petitioner so that the proposed constructions will conform to the Kerala Municipality Building Rules. The learned Single Judge has quashed the order passed by the Government under Rule 18(5) of the Kerala Municipality Building Rules. Subsequently, there was a direction that on receiving report from the Municipality, the Government after issuing notice to the petitioner would take fresh decision in the matter. So, it is open to the petitioner to explain the present position

before the Government. All the same, it is also open to the Government to call a report from an independent officer.

The writ petition is disposed of as above.

K.S. RADHAKRISHNAN,
ACTING CHIEF JUSTICE.

M.N. KRISHNAN, JUDGE.

ul/-